

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (CURRENTLY AMENDED) A seed of a soybean cultivar designated S022217 wherein a representative sample of seed was deposited under ATCC ~~Accession No. \_\_\_\_\_~~ Accession No. PTA-6953.

2. (CURRENTLY AMENDED) A soybean plant, or a part thereof, of soybean cultivar S022217, wherein a representative sample of seed of said soybean cultivar was deposited under ATCC ~~Accession No. \_\_\_\_\_~~ Accession No. PTA-6953.

3. (ORIGINAL) Pollen of the plant of claim 2.

4. (ORIGINAL) An ovule of the plant of claim 2.

5. (PREVIOUSLY PRESENTED) A tissue culture of regenerable cells produced from the plant of claim 2.

6. (PREVIOUSLY PRESENTED) The tissue culture of claim 5, wherein said regenerable cells of the tissue culture are derived from a plant part selected from the group consisting of leaves, pollen, embryos, cotyledons, hypocotyls, meristematic cells, roots, root tips, anthers, flowers, seeds, stems and pods.

7. (CURRENTLY AMENDED) A soybean plant regenerated from the tissue culture of claim 5, wherein the regenerated plant has all of the morphological and physiological characteristics of soybean cultivar S022217 and wherein a representative sample of seed of said soybean cultivar was deposited under ATCC ~~Accession No. \_\_\_\_\_~~ Accession No. PTA-6953.

8. (ORIGINAL) A method for producing a hybrid soybean seed comprising crossing a first parent soybean plant with a second parent soybean plant and harvesting the resultant hybrid soybean seed, wherein said first parent soybean plant or said second parent soybean plant is the soybean plant of claim 2.

9. – 27. (CANCELED)

28. (PREVIOUSLY PRESENTED) A method of producing a soybean plant with modified fatty acid metabolism or modified carbohydrate metabolism wherein the method comprises transforming the soybean plant of claim 2 with a transgene encoding a protein selected from the group consisting of fructosyltransferase, levansucrase,  $\alpha$ -amylase, invertase, and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase, wherein the transgene is expressed and the fatty acid metabolism or the carbohydrate metabolism of the soybean plant is modified.

29. (PREVIOUSLY PRESENTED) A soybean plant having modified fatty acid metabolism or modified carbohydrate metabolism produced by the method of claim 28.

30. (CURRENTLY AMENDED) A method of introducing a desired single gene trait into soybean cultivar S022217 wherein the method comprises:

- (a) crossing the S022217 plants, grown from seed deposited under ATCC Accession No. PTA-\_\_\_\_\_ No. PTA-6953, with plants of another soybean cultivar that comprise and express a desired single gene trait to produce progeny plants, wherein the desired single gene trait is selected from the group consisting of male sterility, modified fatty acid metabolism, modified carbohydrate metabolism, herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;
- (b) selecting one or more progeny plants that have and express the desired single gene trait to produce selected progeny plants;
- (c) crossing the selected progeny plants with the S022217 plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have and express the desired single gene trait and physiological and morphological characteristics of soybean cultivar S022217 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise and express the desired single gene trait and all of the physiological and

morphological characteristics of soybean cultivar S022217, wherein a representative number of seed of said soybean cultivar was deposited under ATCC Accession No. ~~PTA-\_\_\_\_\_~~ No. PTA-6953.

31. (CURRENTLY AMENDED) A plant produced by the method of claim 30, wherein the plant has the desired single gene trait and all of the physiological and morphological characteristics of soybean cultivar S022217, wherein a representative number of seed of said soybean cultivar was deposited under ATCC Accession No. ~~PTA-\_\_\_\_\_~~ No. PTA-6953.

32. (PREVIOUSLY PRESENTED) The plant of claim 31 wherein the desired single gene trait is herbicide resistance and the resistance is conferred to an herbicide selected from the group consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine, and benzonitrile.

33. (PREVIOUSLY PRESENTED) The plant of claim 31 wherein the desired single gene trait is insect resistance and the insect resistance is conferred by a transgene encoding a *Bacillus thuringiensis* endotoxin.

34. (PREVIOUSLY PRESENTED) The plant of claim 31 wherein the desired single gene trait is modified fatty acid metabolism or modified carbohydrate metabolism and said desired trait is conferred by a nucleic acid encoding a protein selected from the group consisting of fructosyltransferase, levansucrase,  $\alpha$ -amylase, invertase, and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase.

35. (CANCELED)

36. (PREVIOUSLY PRESENTED) The plant of claim 31 wherein the desired trait is male sterility and the trait is conferred by a nucleic acid molecule.

37. (PREVIOUSLY PRESENTED) A method of producing an herbicide resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers resistance to an herbicide selected from the group consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

38. (PREVIOUSLY PRESENTED) An herbicide resistant soybean plant produced by the method of claim 37.

39. (PREVIOUSLY PRESENTED) A method of producing an insect resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers insect resistance.

40. (PREVIOUSLY PRESENTED) An insect resistant soybean plant produced by the method of claim 39.

41. (PREVIOUSLY PRESENTED) The soybean plant of claim 40, wherein the transgene encodes a *Bacillus thuringiensis* endotoxin.

42. (PREVIOUSLY PRESENTED) A method of producing a disease resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers disease resistance.

43. (PREVIOUSLY PRESENTED) A disease resistant soybean plant produced by the method of claim 42.

44. (PREVIOUSLY PRESENTED) A method of producing a male sterile soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a nucleic acid molecule that confers male sterility.

45. (PREVIOUSLY PRESENTED) A male sterile soybean plant produced by the method of claim 44.